IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 12463 of 2004

Between:

Dakshina Bharatha Hindi Prachara Sabha, Khairatabad, Hyderabad
rep. by its Secretary S.Dhanamjayudu, s/o.late Subba Rao

..... PETITIONER

AND

Assistant P.F. Commissioner (Enforcement), Hyderabad, office of Employees Provident Fund Organisation, Barkatpura, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or orders, direction or directions declaring the action of the Respondent in proceeding with the enquiry to quantify the alleged P.F. Arrears of the petitioner since 1.1.1975 in furtherance to the earlier order dated 18.2.2000 passed u/s. 7-A of the E.P.F. Act notwithstanding pendency of the Appeal before the Tribunal as illegal, arbitrary and unreasonable and to issue a consequential direction to the Respondent not to proceed with the enquiry pending disposal of the Appeal.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent: MR.R.N.REDDY

The Court made the following :

O R D E R :

The petitioner is seeking a direction from this court declaring the action of the respondent in proceeding with the enquiry to quantify the alleged provident fund arrears of the petitioner since 01.01.1975 in furtherance of the earlier order dated 18.02.2000 passed under section 7(A) of the Employees' Provident Fund Act (for short, 'the Act').

The petitioner is an organisation established for the purpose of spreading awareness of Hindi language in the State of Andhra Pradesh. The main organisation known as the Dakshina Bharatha Hindi Prachara Sabha, Madras, was established in the year 1918 for the purpose of propagating Hindi in all South Indian states. The Provident Fund authorities treated the petitioner as a sister concern of the organization at Madras and passed an order on 18.02.2000 under section 7(A) of the Act bringing the petitioner within the purview of the Act with effect from 01.01.1975. The petitioner being aggrieved by the said order of the respondent, preferred an appeal before the appellate authority and the same is pending. The appellate authority also granted stay of the impugned order dated 18.02.2000.

The learned counsel for the petitioner submits that despite the stay order, the respondent is taking steps to assess the amount payable towards the provident fund contribution with effect from 01.01.1975. Since the petitioner is availing statutory remedy of appeal before the competent appellate authority, he can get it disposed of on merits.

Since the petitioner's counsel is representing that the respondent is not caring for the stay order granted by the appellate authority, the respondent is directed not to take steps for the recovery of the amount to be assessed in pursuance of the impugned order passed by it, pending disposal of the appeal. The respondent is at liberty only to proceed to determine the liability of the petitioner on the basis of the order passed by it previously.

The Writ Petition is, accordingly, disposed of at the stage of admission.

20.07.2004

Copy to:

1)The Assistant Provident Fund Commissioner(Enforcement), Office of the Employees Provident Fund Organisation, Barkatpura, Hyderabad.

2)Two CD copies.

SVS/DRK